

1873-01

Southampton County Chancery - Barrett, E.C. et als Barrett Trustee

petitioning for sale of land.

Barrett, Maria Louisa

J. J. Kindred Jr;  
Barrett, Fannie C.  
" Robert H.  
" Lucy P.  
" Maria H.  
" Evelyn

To the Hon Geo: Blow, Judge of the Circuit  
Court of Southampton County. In Chancery.  
Humbly Complaining sheweth unto your  
Honor your complainants E. Barrett, &  
Maria Louisa Barrett, his wife as follows.  
That by a deed of bargain & sale made  
& recorded in the Clerk's office of Southamp-  
ton County Feby 27. 1841. Answer & Peter  
wife conveyed to J. J. Kindred Trustee,  
certain Real Estate lying in South-  
ampton County, containing 133 acres  
for certain purposes & trusts - among  
which trusts, it was agreed that the  
said Real Estate should be held by  
the said Trustee for the separate use  
& benefit of the said Maria Louisa  
Barrett & her children & free and  
exempt from the debts of the said E. B.  
Barrett; and it was further agreed that  
the said parcel of land should not be  
sold and the proceeds arising therefrom  
re-invested except by an order of a  
Competent Court. All of which will  
more fully appear from a certified  
copy of the said deed herewith filed  
marked (A) and prayed to be taken as  
a part of this bill. Your complainants  
further show, that the buildings upon the

Exhibit (A)

Said parcel of land are in a very dilapidated condition, and very soon will be comfortless & worthless, and that your complainants are not able to have them repaired. That your complainants have been offered for the parcel of land a fair price and more than the original cost. That if this Court will grant an order allowing the said parcel of land to be sold, your complainants can purchase a lot with nice & comfortable building of all necessary kind erected thereon in the village of Jerusalem, and this with the sum that can be realized from the sale of the aforesaid parcel of land. That the place that can be purchased in the village of Jerusalem will afford a comfortable home for the said complainants, accessible to good schools, and that it is an excellent stand for a physician; that E. C. Barrett one of the complainants is a physician in regular practice. That your complainants verily believe it is for the best interests of all concerned that the sale should be made, and the money invested in the lot in the village of Jerusalem

the said lot to be conveyed to a Trustee upon the same trust as the parcel of land desired to be sold is. Your Complainants further show that were E. C. Barrett, the husband of Maria Louisa Barrett to die, his wife & children, all of whom are small & young, could not make a substitution upon the small parcel of land desired to be sold, whereas if this change of investment is allowed to be made, the property acquired will at all times & under almost <sup>if possible</sup> any circumstances sell for more than the parcel of land they now own. ~~In tender consideration of all which.~~ Your Complainants further show that they have the following children all of whom are infants, under the age of twenty one - viz - Fannie C. Robt. H. Lucy P. Maria H. & Evelyn Barrett. In tender consideration of all which, and inasmuch as your Complainants are remediless in the premises save in a Court of Equity, where matters of this kind are peculiarly cognizable, to the end therefore that justice may be done, they pray that J. J. Kinder Trustee, Fannie C. Robt. H. Lucy P. Maria H. & Evelyn Barrett, the last five of whom are infants.

under 21, may be made parties defendant to this  
 bill and compelled to answer the allegations thereof;  
 that some fit and proper person may be assigned  
 Guardian ad litem to the infant defendants,  
 to protect their interests in this cause; that your  
 Honor will, after the proper proofs are exhibited,  
 grant an order, allowing the change of  
 investment prayed for, and that such other,  
 further & general relief in the premises may  
 be afforded your complainants, as the nature  
 of their cause may require and to Equity  
 shall seem meet; and as in duty bound,  
 your complainants will ever pray &c.,  
 May it please the Court &c.

J. B. Ruess, &c.  
 " "

Barrett surfs

as Bill & Exhibits  
 M M

Barretto Justice &c.  
 " "

1873 April Rules

at Ruess &c

Barrett surp  
 vs  $\frac{4}{3}$  Dence  
 Barretti Master

May Year 1873  
 - To be entered -  
Gov. D. D. D.

Barrett wife  
vs <sup>vs</sup> <sup>vs</sup> Deere.

Barrett Trustee &c

This day this cause came on  
to be further heard on the report of  
Commissioner Tyler, made in pursuance of  
an order entered at this term, and  
the depositions of W. M. Briggs & C. C. Williams,  
filed with the report of Commissioner Tyler,  
and was argued by Counsel. On consid-  
eration whereof, the Court approving  
said report, no exceptions having been  
filed thereto, & adopting said report as  
the basis of this decree, doth adjudge  
order & decree that the change of inest-  
ment as prayed for in the plaintiff's  
bill be authorized and allowed; and  
it being suggested to the Court that  
Chas E Knight desires to purchase  
the tract of land that is now held  
by J. J. Kindred as Trustee for the  
benefit of the wife & children of E. C.  
Barrett, and is ready to pay the purchase  
money, to wit the sum of eight hundred  
dollars, the Court doth further decree  
that upon the receipt of the said  
purchase money, the said Trustee be  
she is hereby authorized to execute to  
the said Knight a deed with special  
warranty for the same; and it being

also suggested to the Court, that the  
lot desired to be purchased by the  
complainants in the village of Jerusa-  
lem is owned by Chas. E. Knight,  
The Court doth further decree that  
the said J. J. Knicker should receive  
the purchase money he shall receive  
for the parcel of land, in the purchase  
of said lot, building, take a deed  
therefor, <sup>with general warranty</sup> from the said Knight,  
upon the same trust and limitation  
as the deed conveying the said parcel  
of land contained, ~~with general~~  
~~warranty~~, and make report to  
Court, in order to a final decree

Barrett Lodge  
on 3 acres  
Barrett Institute

May Term 1893

To be entered.

Wm. B. Ross.

Barrett vs. Barrett  
Decree  
Barrett's Trust

This day this cause came on to be heard on the bill of the complainants, the answer of the infants by L. R. Edwards, who is hereby assigned their guardian ad litem, and the answer of J. J. Kindred, Trustee, and was argued by Counsel. On consideration whereof, the Court doth as of its order decree that a Commissioner of this Court make the following inquiring report to Court: viz - whether the facts as alleged in the complainants bill are true and whether in his opinion it would be best for the interests of all concerned that the charge of inadvertent fraud for in said bill should be paid, in making which said inquiry, the Commissioner will take the depositions of parties disinterested, who know something of the facts as alleged in the said bill. All of which the said Commissioner is ordered to report to Court together with any other matters he may deem pertinent.

Barrett's Wife

in 3

Barrett's Trustees

Report of  
Commrs Tyler -

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~~Barrett's Trustees~~

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Barrett v. swipe

v. 3 Report of Commisr Tyler.

Barrett's Interd.

In this cause your Commissioner  
has leave to report as follows that  
pursuant to an order entered  
at this term in this cause, he  
has taken the depositions of W. W.  
Biggs & C. E. Williams, two gentlemen  
living in the County of Southampton,  
who are entirely disinterested in  
this suit and who are familiar  
with all the facts of this cause.  
That they both think the change  
of investment asked for in the  
plaintiff's bill is for the best  
interests of all the parties and  
should be allowed. Your Commissioner  
from all the evidence he can  
procure joins in this belief, and  
recommends that your Honor  
make an order in accordance  
with the bill. Respectfully  
Submitted

May 6. 1873

James D. Tyler,  
Commissioner

To Judge Blom.

Commissioner's fee \$5.00.

Charge to E. C. Barrett

Barnettsville

or  $\frac{4}{3}$

Barnettsville

Report of  
Winter

Nov 7. 1873

Banett's wife  
vs  $\frac{2}{3}$  Report of Trustee.  
Banett's Trustees

In this cause your Trustee  
respectfully reports as follows:-

That pursuant to decree of this  
Court, entered at May Term 1873, he  
has sold the real estate belonging  
him for E. Banett's wife & children  
to Chas. E. Knight & made him a deed  
therefor - and has reinvested the  
purchase money, in House lot in  
Jerusalem, that he bought of E. Knight  
and taken a deed therefor as  
directed by said decree.

Respectfully Submitted  
Geo. J. Knicker  
Trustee

Nov 7. 1873.

Barrett scribe

vi 3

Barrett's Mute

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Depositions of  
H. W. Briggs  
+  
C. C. Williams

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The depositions of W. W. Briggs & C. C. Williams taken before me, James R. Tyler, a Commissioner in Chancery for the County Circuit Court of Southampton, at Jerusalem on the 6th day of May 1873, between the hours of 6 A.M. & 6 P.M., to be used as evidence in a certain suit in Equity in the Circuit Court of Southampton, wherein E. C. Barrett & wife are plaintiffs and J. J. Thindred and others are defendants.

Present.  
W. W. Briggs atty  
for plts.  
J. J. Thindred  
Trustee.

W. W. Briggs, being duly sworn on the Holy Evangelists of Almighty God depose and saith as follows.

What is your age? Answer - 44 years old  
Do you know the parties to this suit?

Answer - I do.

What is your opinion as to the change of the investment desired by the plaintiffs in this suit? Answer -

I think from my knowledge of the facts, and I am intimately acquainted with them, that it is a very advantageous one, and one that will best subserve the interests of all the parties concerned. I have no hesitation in saying that the value of the property in Jerusalem is more or less much as the property desired to be sold. And further this deponent saith not.

W. W. Briggs

C. C. Williams being also sworn in proper form - deposes as follows.  
What is your age? Answer - 35.  
Do you know the parties to this suit? Answer - I do.

Are you cognizant of the prayer contained in the petition filed in this suit? Answer - I am.  
What is your opinion as to the propriety of granting that prayer - or in other words - do you think it best for the interests of all parties concerned, that the Court should make an order allowing the investment to be changed.  
Answer -

I do. The property in Jamaica that Dr. Barrett desires to purchase will in my opinion always bring the amount that was invested in the property desired to be sold; and I think will serve his interests or that of his family better than that they now have.  
And further this deponent saith not.  
C. C. Williams

Virginia - Southampton County Court.

I, James R. Tyler, a Commissioner in Chancery for the County Circuit Courts of Southampton do certify that the foregoing depositions were duly taken, sworn to and subscribed before me at the time & place mentioned. Given under

my hand this 6th day of May 1873.

James R. Tyler Commissioner  
in Chancery.

Barrett scribe

vs 3

Barrett Trustee

Answer of  
J. J. Kindred  
Trustee

May 5. 1873

The answer of Fannie C, Robt H, Lucy  
P. Maria H, & Evelyn Barrett, infants  
under 21, by L. R. Edwards, their Gon-  
adlitor, to a bill exhibited in the  
Circuit Court of Southampton against  
themselves & J. J. Thuidus Tuiter, by  
E. C. Barrett wife.

These respondents saving reserving  
all just ground of exception to the  
said bill, for answer thereto, or unto  
so much thereof as they are advised  
it is material to answer, answering  
say- That they are infants and being  
such submit their right to the  
protection of this Court. and having  
answered, pray hence to be  
dismissed &c.

L. R. Edwards  
Gon adlitor

The answer of J. J. Kindred, Trustee, to  
the petition of E. C. Barrett & wife,  
filed in the Circuit Court of Onondaga  
County - vs himself & others.

This respondent for answer to the  
said petition says - That the facts  
as alleged in the petition are true  
so far as he is informed & believes,  
and he recommends that the change  
of investment be allowed as it is,  
in the opinion of this respondent,  
best for the interests of all concerned.

Jno J. Kindred  
Trustee &c

Barrett's Scribe

is  $\frac{2}{3}$  Exhibit

Barrett's Trustee

— " —

This Deed made this 27<sup>th</sup> day of February A.D. 1871, between  
Amos S. Pope and Catherine C. his wife of the first part and Jno. J.  
Winand, (Trustee) of Maria Louisa Darratt, (wife of E. C. Darratt),  
and her children of the second part; Witnesseth, as follows; Whereas by a  
deed of the Circuit Court of Sussex County, rendered at the April Term  
thereof A.D. 1870, (in the suit of Parker vs Parker &c) by virtue of  
which certain real Estate which had descended to the said Maria Louisa Darratt  
(who was Parker) from her mother Susan Parker now deceased, (her father  
Joseph W. Parker is also dead) was sold, and the net proceeds of the  
portion of the said Maria was directed by said deed to be invested in  
real Estate by Jno. S. J. Mason the Commissioner, and to be granted and  
conveyed to the said Jno. J. Winand, as Trustee, who shall hold the same for  
the sole and separate use and benefit of M. S. Darratt, and all such lawful  
issue of her body, as she may now have or may hereafter have from the  
claim of the said E. C. Darratt and exempt from liability for his debt; the  
said Land to be held by said Trustee, and not to be disposed of by him except  
by order of the Court. And whereas the said Jno. S. J. Mason, Commissioner  
as aforesaid has purchased a certain tract of land of the said Pope and  
wife, for the sum of Seven Hundred dollars, which said sum the said  
Mason has paid to the said Pope and wife, and the receipt is hereby  
acknowledged. Now this deed witnesseth that the said Amos S. Pope & wife for  
and in consideration of the premises do grant and convey to the said Winand  
Trusted as aforesaid all that portion of the tract of land lately purchased  
by the said Pope from J. J. Darden Executor of Richard Darden dec.  
lying in Southampton County and on the North side of the Public road  
leading from Jerusalem to the Cape King, supposed to contain one  
Hundred and thirty three acs. more or less, and bounded by the lands of the  
said Amos S. Pope, the heirs of Simon Pope and Francis C. Williams

and the said public road, together with all and singular, all the privileges and appurtenances, and buildings thereto in any wise attached or belonging; to be held by the said Trustees for the uses and purposes expressed in the said decree of the said Circuit Court of Sussex County and none other. And the said Amos S. Pope and wife grant and convey the said real Estate with general warranty - Witness the following signatures and seals -

Amos S. Pope Seal  
Catherine C. Pope Seal  
Jno: J. Winand, Seal  
Trustee,

State of Virginia. County of Southampton to this:  
This day personally appeared before me Jno: N. Sebrell a Commissioner in  
in Chancery for the County Court of said County, in my said County, Catherine  
C. Pope, wife of Amos S. Pope, parties to the foregoing deed dated February  
27<sup>th</sup> A.D. 1871, and <sup>having</sup> the said deed fully explained to her privately and apart  
from her husband, she the said Catherine C. Pope, declared that she had  
willingly executed the same, and does not wish to retract it. And also  
afterwards, to wit; on the same day, in <sup>said</sup> my County, the said Amos S.  
Pope, appeared before me ~~and~~ <sup>and</sup> acknowledged the said writing to be his act  
and deed. Given under my hand this 27<sup>th</sup> day of February A. D. 1871 -  
Jno: N. Sebrell,  
Commissioner in Chancery -

Southampton County; In the Clerk's Office March the 20<sup>th</sup> 1871.  
This deed was this day received and together with the certificate thereto  
annexed, admitted to record. A Stamp of the Int: Rev: of U. S. to the  
amount of one dollar, being affixed thereto and duly cancelled.

Teste,

James R. Tyler D.C.

Barrett's wife  
is  $\frac{1}{3}$  Decade

Barrett's Mother

Nov. Term 1873

To be entered.

Geo. B. Lord

1873 Nov. Removed from  
Docket.

Barrett's wife

or  $\frac{3}{4}$  Decree.

Barrett's Trustee &c.

This day this Cause came on to be further heard on <sup>the</sup> papers formerly read and the report of J. Kincaid Trustee - and was argued by Counsel. On consideration whereof, the Court approving said report, no exception being filed to same, doth accordingly order & decree that this Cause be removed from the docket, at the cost of E. C. Barrett.

Barrett & Wife

v { Sum. Chy.

Barrett's Trustee &

1873 April Rules

Executed by deliver-  
ing Mr. Sketched  
a Copy of this Summ  
on on the 20<sup>th</sup> day  
of March 1873.

W. L. Briggs Sff

# The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon

*John A. Kindred Trustee, Fannie C. Robt. St.  
Lucy P. Maria H. & Evelyn Barrett*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Circuit*  
Court of Southampton county, at the Rules to be holden for the said Court on the first Monday in  
*April next to answer a bill in Chancery exhibited against them in our said*  
*Court by E. C. Barrett & Maria Louisa his wife*

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the  
Court-house, this *13* day of *March* A. D. 1873, in the *97*  
year of the Commonwealth.

*L. R. Edwards*